IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4928 of 2007()

CC.2265/2002 of ADDL.C.J.M., ERNAKULAM
CRIME NO.334/01 OF HILL PLACE POLICE STATION

.....

PETITIONER/APPLICANT/ACCUSED NO.3

SUDHEESHKUMAR @ SUDHI, AGED 30 YEARS,
S/O.DIVAKARAN, PANACHUVATTIL HOUSE,
PERIKKATTU, EROOR DESOM, NADAMA VILLAGE,
TRIPUNITHURA.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT-STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4928 OF 2007

Dated this the 10th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.379 of the IPC. The case was registered as early as in 2002. The case has been dragging on. The co-accused are in custody. Altogether, there are three accused persons. The petitioner is the 3rd accused. Accused 1 and 2 are in custody. The petitioner was granted bail. He continued on bail till 4/4/07. Of course, on earlier occasions also he was absent on some dates of posting and non-bailable warrants of arrest had been issued by the learned Magistrate to procure the presence of the petitioner. Be that as it may, from 4/4/07 the petitioner did not appear before the learned Magistrate. The learned Magistrate thereupon issued a non-bailable warrant of arrest to the petitioner. The petitioner surrendered later. He has been remanded to custody. His application for

regular bail has been dismissed by the learned Sessions Judge with directions to dispose of the case within a stipulated time frame. The petitioner has come to this Court with a prayer that he may not be compelled to remain in custody till the case is disposed of. The petitioner undertakes to appear before the learned Magistrate on all dates of posting hereafter. Subject to appropriate conditions, the petitioner may now be released on bail and permitted to conduct his defence properly on bail, it is prayed.

2. A report of the learned Magistrate was called for. The order sheet also has been perused by me. Having considered all the relevant inputs, I am satisfied that subject to appropriate conditions, the petitioner can be released on bail.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall not leave the Sessions Division of Ernakulam, until the case against him is finally disposed of.

(iii) The petitioner shall report before the S.H.O., Hill Palace Police Station at 5 p.m. on all Sundays from 26/8/07 until the case against him is finally disposed of.

(iv) The petitioner shall appear before the learned Magistrate on all dates of posting unless his appearance is dispensed with/excused by the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge